DOCUMENT RESUME

ED 282 807 SO 018 182

AUTHOR	Gore, Deborah, Ed.
TITLE	Constitutional Issues and Iowa.
PUB DATE	Feb 87
NOTE	25p.
PUB TYPE	Collected Works - Serials (022)
JOURNAL CIT	Goldfinch; v8 n3 Feb 1987
EDRS PRICE	MF01/PC01 Plus Postage.
DESCRIPTORS	*Civics; *Civil Liberties; *Civil Rights; *Constitutional History; Elementary Education; Resource Materials
IDENTIFIERS	*Iowa; Tinker v Des Moines Independent School District; *United States Constitution

ABSTRACT

Important constitutional issues are presented in a manner appropriate for use in the classroom. Case studies and events from the history of Iowa are used to illuminate the Constitution and Bill of Rights. Freedom of expression and students' rights are discussed in "The Black Armband Case"; free exercise of religion as won by the Iowa's Amish is described in "Religious Rights"; and the women's suffrage movement as it occurred in Iowa is outlined in "Amending the Constitution: Woman Suffrage." A play on equality of education which can be read or performed by students is included. There are also selections discussing the development and evolution of both the United States Constitution and the Constitution of Iowa. (SM)

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The Goldfinch

Iowa History for Young People
Volume 8, Number 3
February 1987

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Constitutional Issues and Iowa

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The Goldfinch

Iowa History for Young People

Volume 8, Number 3
February 1987

Editor, DEBORAH GORE
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Acknowledgements: This issue includes several ideas about the U.S. Constitution and Iowa from a kit entitled *Iowa Heritage in the American Revolution*. It was developed by the Iowa American Revolution Bicentennial Commission and prepared by Margaret A. Bonney, the State Historical Society of Iowa (1976). Classroom kits are still available for purchase. See page 23 for more information. The play on pages 8-11 is based on material from Leola Nelson Bergmann, *The Negro in Iowa* (Iowa City: SHSI, 1969), pp. 50-57 and the 1868 *Code of Iowa*, pp. 266-281. The articles on pages 12 and 16 are adapted from M.A. Bonney's "The Woman Suffrage Amendment In Iowa," and "Religious Rights in Iowa," both from the *Iowa Heritage* kit. The article on pages 17-18 is based on newspaper excerpts from the Des Moines *Register*, 1965, 1969 and 1984. The characters of Wild Rosie and Goldfinch are drawn by Jenny Wren. A list of major sources used in researching this issue is available from the editor.

Unless otherwise noted, all illustrations are from the collections of the State Historical Society of Iowa, Iowa City.

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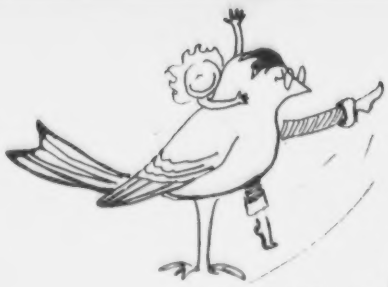
THE GOLDFINCH (ISSN 0278-0208) is published in September, November, February, and April by the State Historical Society of Iowa, 402 Iowa Avenue, Iowa City, Iowa 52240 (telephone: 319-335-3916). Available by yearly subscription: 4 issues for $5 (single-copy rate) or 30 copies of 4 issues for $25 (classroom rate). Gift subscriptions are available. Also available through Family or Benefiting memberships in the State Historical Society of Iowa. Second-Class postage paid at Iowa City, Iowa.

POSTMASTER: Send address changes to: THE GOLDFINCH, State Historical Society of Iowa, 402 Iowa Avenue, Iowa City, Iowa 52240.



Meet Wild Rosie, your official "Goldfinch Tour Guide" for a trip into Iowa's past. This map shows some places we'll visit in this issue.

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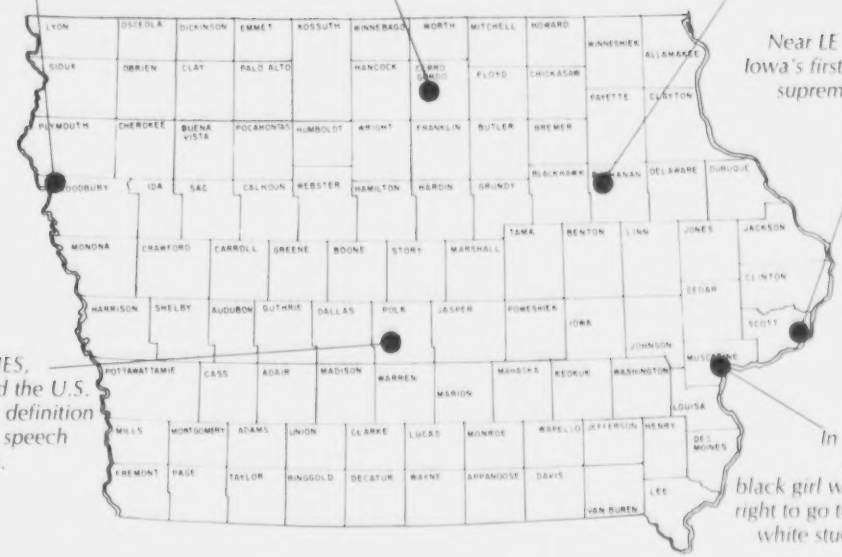
ON THE COVER: *This logo is used with permission of the Commission on the Bicentennial of The United States Constitution.*

In SIOUX CITY schools, a fourth-grade history textbook was banned. Was it censorship? You decide (page 19).

In MASON CITY, women's rights leader Carrie Catt served as superintendent of schools (pages 12-13).

In HAZELTON, school officials tried to force Amish children to go to public schools in 1965 (page 16).

Near LE CLAIRE, lives Iowa's first woman state supreme court judge (page 15).



In DES MOINES, students tested the U.S. Constitution's definition of freedom of speech (pages 17-18).

In MUSCATINE, a 12-year-old black girl was denied the right to go to a school for white students in 1867 (pages 8-11).

ASK WILD ROSIE

"Rosie, why are the U.S. and Iowa Constitutions considered *living documents*?"
"Because they were made to be changed or amended and because the U.S. and state supreme courts can change their interpretations of both documents."

"Rosie, where is the original copy of the U.S. Constitution housed?"
"The 200-year-old document is in the Exhibition Hall of the National Archives Building in Washington, D.C. It is encased in a glass case containing special gases to preserve the document. In case of emergency, an elevator would lower the case with the U.S. Constitution into a fireproof and bombproof vault twenty feet below the floor."

Celebrating the Bicentennial

THE FOUNDERS of our country wrote several important documents during and after the American Revolution (1775-1783). The United States had won freedom from Great Britain and was the only **democratic** (ruled by the people) nation in the world.

The government first operated under a set of laws called the Articles of Confederation (1781). There were many problems with this document. The Articles made the federal government weak and gave the states many powers. Each state had its own form of **currency** (money). Congress could only *ask* states to obey laws. Congress could not raise money by taxing people. By 1787, 74 delegates were appointed by the 13 original states to attend a constitutional convention.

So in September 1787, 55 delegates came to the Constitutional Convention in Philadelphia, Pennsylvania, to write a new constitution. The main idea of the new constitution was a plan for a democratic government. The new government consisted of three branches of national government: a *legislative branch* (the Senate and House of Representatives), an *executive branch* (under an elected president), and a *judicial branch* (led by the U.S. Supreme Court). Each of the three branches has different powers. This way they can provide "checks" or limits on the powers of the other branches so that one branch does not get too powerful.

This year the U.S. is celebrating the **Bicentennial** (200th anniversary) of the U.S. Constitution. It is the world's oldest written constitution. How has it survived for so long?

The constitution was made so that it could be changed. At first, the constitution did not guarantee any individual liberties. Later in 1791, the **Bill of Rights** (first ten amendments) were added to the constitution. Blacks and women were excluded from the group of citizens to receive individual rights. Not until after the Civil War were blacks considered citizens. Women did not receive the right to vote until 1919.

In this issue of the *Goldfinch* we will look at how the Constitution has been changed during the past 200 years. We will see how Iowa's 1857 Constitution was modeled after our nation's constitution. We will also study how Iowans were involved in important court cases that tested the U.S. Constitution and helped to change the way Americans live. □

The Oldest Constitution

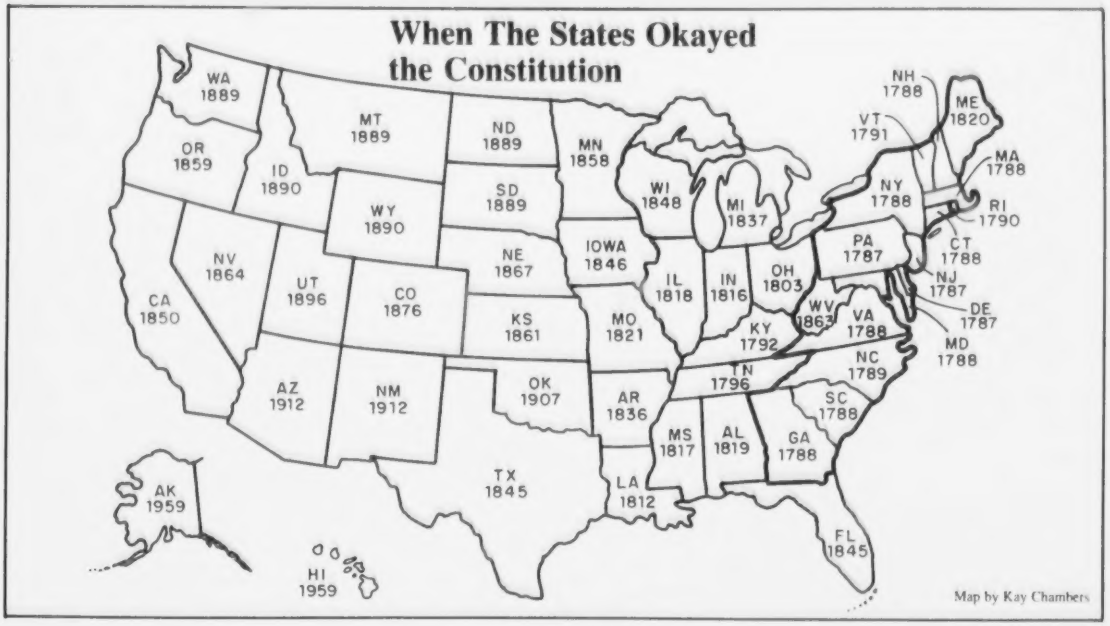
THE U.S. Constitution is the world's oldest democratic constitution. It took a long time to write. All of the Founding Fathers, or delegates, agreed that the people should elect representatives to manage their country.

The delegates debated over the powers that should be divided between state and federal government. How much power should the states have? How much power should the federal government have?

They decided that the national government should have the power to declare war, print or coin money, and control trade with foreign powers. All other powers were left to the states. State governments would be responsible for such things as providing schools, issuing hunting licenses, and enforcing traffic laws.

The members of the Constitutional Convention divided the federal government into three parts, or branches. This is called the **separation of powers.** The major job of the legislative branch is to make laws. The executive branch, including the President and his staff, helps to enforce the laws that the legislative branch, or Congress, passes. The judicial branch, including the courts, interprets the meanings of laws.

When did the 13 original states **ratify** (approve) the U.S. Constitution? When did the rest of the country okay the constitution? See page 23 for map questions. □



Iowa's Constitution

WHEN THE U.S. Constitution was ratified by the 13 original states, Iowa was not a state. It became a part of the United States through the Louisiana Purchase in the early nineteenth century. The Territory of Iowa was created in 1838. People who lived in the area voted down the proposition to become a state in 1840 and in 1842. They eagerly sought statehood, but opposed boundaries fixed by the U.S. Congress.

After people approved new boundaries, the first Iowa Constitution (the Constitution of 1846) was written so that Iowa could become a state. On December 3, 1846, in the Stone Capitol at Iowa City, Ansel Briggs was inaugurated as first Governor of the State of Iowa. A copy of the Constitution of Iowa was sent to Washington, D.C. It was approved by Congress, and President James Polk gave his approval on December 28, 1846.

As the new state grew, the needs of its people changed. These new needs could not be met by the first constitution so a constitutional convention was called to write a new one.

No Money in Iowa

The main drawback of the first Iowa constitution was that it did not allow banks that could print and issue money (these were called "banks of issue"). Money in the 1840s was not like the money we use today. The United States government did not print paper money at all. Instead, it made gold and silver coins. Banks and businesses avoided this problem by printing notes (a kind of paper money) to use in place of gold or silver.

In the 1840s and '50s, there were over 700 banks in the U.S. Many of these printed their own

Iowa's Bill of Rights

Individual rights have always been important to Iowans. Iowa's Constitution begins with a Bill of Rights. Below are the first ten sections of Article I in Iowa's Constitution.

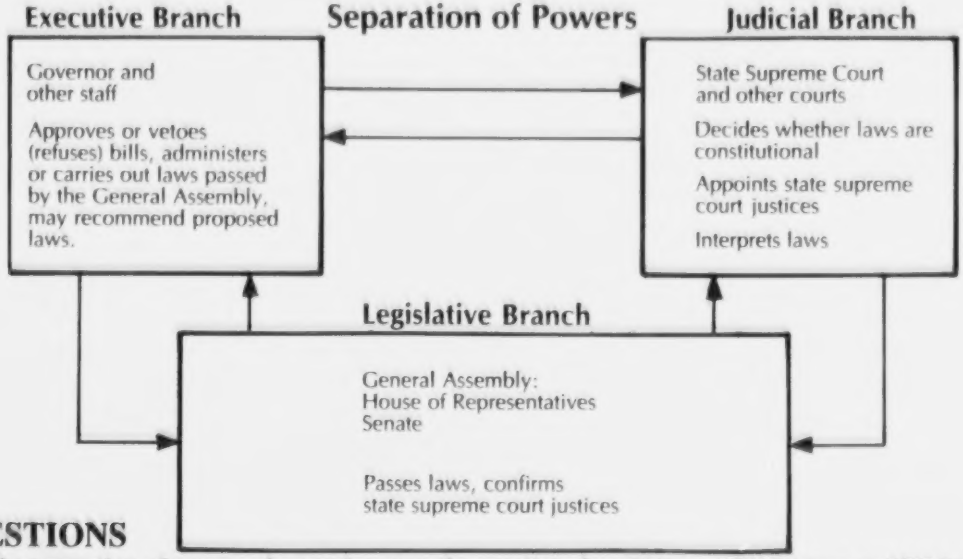
1. Guarantees us the basic freedoms of liberty, protecting and possessing property, and pursuing and obtaining safety and happiness.
2. States political power is in the people.
3. Tells how the legislature cannot make laws limiting religious freedom.
4. Explains that no religious test shall be given for any job.
5. Says any person involved in a duel cannot take a public job.
6. Gives all citizens equal privileges under the law.
7. Allows freedom of the press. Every citizen of the state can speak, write, and publish his or her opinions.
8. Says citizens of state cannot have their homes or persons searched without warrant.
9. Gives citizens the right to trial by jury and due process of law (orderly rules for bringing a person accused of a crime to trial).
10. Gives citizens, if accused with criminal action, the right to a trial and help of a lawyer.

notes. The value of the notes varied from bank to bank. It was impossible to know the current value of the notes of all banks. In Iowa, the Constitution of 1846 prohibited banks of issue. They had no official currency. At one time, over 300 kinds of money circulated in Iowa.

When the new Constitution of 1857 was adopted, a new bank with many branches was begun. This was called the State Bank because the state made the rules. The State Bank gave Iowans money they could trust.

Iowa's present constitution is based on the Constitution of 1857. The Constitution of 1857 included a Bill of Rights based on the first ten amendments to the U.S. Constitution *(see box)*. It also provided for three branches of government *(see chart)*.

Like the U.S. Constitution, Iowa's Constitution has been changed many times. Other articles in this issue of the *Goldfinch* talk about how both documents were changed. □


Executive Branch
Separation of Powers
Judicial Branch
Governor and other staff
Approves or vetoes (refuses) bills, administers or carries out laws passed by the General Assembly, may recommend proposed laws.
State Supreme Court and other courts
Decides whether laws are constitutional
Appoints state supreme court justices
Interprets laws
Legislative Branch
General Assembly:
House of Representatives
Senate
Passes laws, confirms state supreme court justices

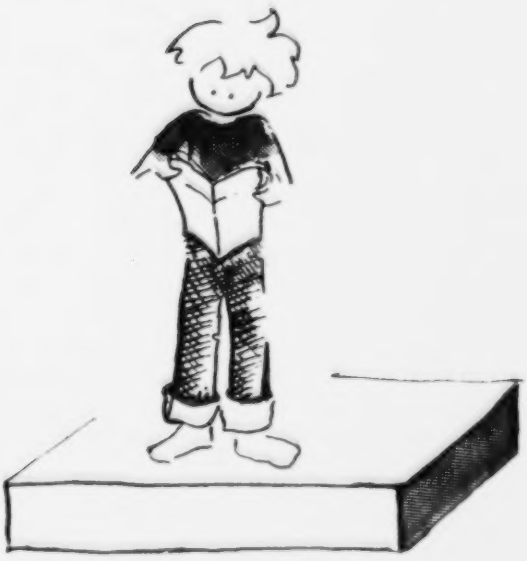
QUESTIONS

Read the separation of powers chart and answer the questions by writing a "T" for true or "F" for false on the line before each question.

____ 1. The Governor is part of the legislative branch.
____ 2. The State Supreme Court *and* other courts are part of the judicial branch.
____ 3. The General Assembly cannot pass laws.
____ 4. The judicial branch decides whether laws are constitutional.
____ 5. The executive branch can approve or veto bills.

Chart by Kay Chambers

The Fight For Equality:
A Play to Read or Perform



Cast:
Narrator
Alexander Clark, barber
Catherine Clark, homemaker
Susan, 12
Rebecca, 6
Alexander, J., 4
} their children
Marion Hill, teacher
Grandmother Clark
William Brannon, lawyer for Clark
Henry O'Connor, lawyer for school board
Judge Cole
Judge Dillon
Judge Wright
Reporter, Muscatine *Weekly Journal*

Props:
bell
table and six chairs
book
bowl
three coats (for judges robes)
pencil and pad of paper

This five-act play based on true events can be read silently or performed with the simple props listed. Set up a table and chairs to represent the classroom in scene one, the classroom in scene two, and the courtroom in scenes three and four.

Note: The words in italics and brackets [*like this*] tell the actors what they should be doing as they speak lines or what tone of voice they should use.

ACT ONE

Narrator: It is September 10, 1867, in Muscatine, Iowa. Susan Clark walks to the neighborhood's Grammar School No. 2. It will be her first day at the school. She walks into the classroom carrying a book.

Marion Hill: [*sitting at her desk, looks up when Susan walks into the room*] Hello, what is your name?

Susan: Susan Clark.

Hill: I think you must have the wrong school, dear. The school for "colored" children is across town.

Narrator: Susan looks at the students in the class. They are all white children and they are staring at her.

Susan: [*shaking*] But this school is only a few blocks from my house. I don't see why I can't go to school here!

Hill: [*stands up, walks toward Susan, puts her arm around her shoulder, and whispers*] I'm sorry, Susan. You can't go to this school. It is only for white students. Why don't you run along and go to the school for colored students.

Susan: But, Miss Hill . . . [*Susan is led out the front door. She walks quickly away. She hears the bell ring for the beginning of class.*]

ACT TWO

Narrator: At the Clark's house, the family sits down for dinner at the kitchen table.

Alexander Clark: How was your first day at school Susan?

Susan: *[she sobs]* The teacher, Miss Hill . . . said I couldn't go to school. She said the school was only for white children.

Rebecca: They wouldn't even let her stay!

Alexander: [*slams his fist on the table*] It is her constitutional right to be able to attend the same school as a white child. Iowa's Bill of Rights says all citizens are equal!

Catherine: Our child is refused the same rights as a white child! Something must be done!

Grandmother Clark: [*passes a bowl of fruit*] Granddaddy and I were both slaves in the early days down South. After the Civil War, Congress passed the Thirteenth Amendment to the U.S. Constitution. It said slavery was illegal. Black folks aren't slaves any more, but we still have to fight for equality. Now it causes a great pain in my heart to see Susan treated so bad.

Alexander, Jr.: What's discriminatory?

Grandmother Clark: In this case, son, it means that people are treating Susan badly because of the color of her skin.

Alexander: I enlisted with the First Iowa Colored Volunteer Army in the Civil War to fight against slavery. I will not have my daughter discriminated against. I'll go to talk to the school board tomorrow and if they won't let Susan into the school, I'll take them to court!

ACT THREE

Narrator: The school district's board of directors tells Clark that Susan cannot go to Grammar School No. 2. Clark, in turn, sues (brings legal action against) the school board and the case goes to court. Does a school board have the right to require black children to attend separate schools? In a court room . . .

William Brannon: [*stands up behind a desk and faces the district court judges*] Alexander Clark

Alexander Clark

has been a free resident and tax payer in Muscatine for several years. His daughter, Susan, was denied admittance to Grammar School No. 2 because she belongs to the "colored race."

Judge Cole: Please state the arguments for the board of directors' decision.

Henry O'Connor: [*walks up to the judges*] First, the board of directors say there is a separate school building with a teacher for colored children in the district. Second, most people in the community are opposed to colored and white children attending the same school. Third, it is in the best interest of both races for them to be educated in separate schools. Fourth, school laws give the board the right to require children to attend separate schools.

Narrator: The case continues as both sides present their arguments. The case then goes to the Iowa State Supreme Court in April, 1868. There the decision will be made. Will Susan be able to attend Grammar School No. 2?

ACT FOUR

Narrator: Three Iowa State Supreme Court judges review the case and present their decisions.

Judge Cole: Our government is founded on the principle of equal rights to all people. Laws on education provide for the education of all the youths of the State without distinction of color. Therefore, I believe that Susan Clark should be allowed to attend Grammar School No. 2.

Judge Dillon: The board of directors has no special powers to require colored children to attend a separate school. They cannot deny a youth admission to any particular school, because of his or her color, nationality, religion, or the like. The board of directors can only create school district boundaries which determine where a student may attend.

Narrator: Because two out of the three Supreme Court judges agree that Susan should be allowed to attend Grammar School No. 2, the Clark's win the case. However, the third judge disgrees with their decision. Judge Wright gives his dissenting (different) opinion.

Judge Wright: The board of directors has the right to say where children shall attend schools. It is in the best interest of the schools, if a separate school for colored children (in the same district) can be provided. The equality of all peoples, as stated in the constitution, is preserved if equal schools are provided for colored children.

Students pose for a class photograph in late-ninteenth century Iowa. As a result of the Clark case, Susan and other black students could attend public schools with white students like the one shown here.

ACT FIVE

Reporter: [*holds a pad and pencil and walks up to the Clark family outside of the Court House*] Mr. Clark, what do you think about the Supreme Court's decision today?

Alexander: My family and I are happy that the Court realized the Iowa Constitution provides education for "all youths of the state." All people are entitled to equal rights under the Constitution. While it is a positive step toward that goal we still have a long way to go before all men and women of different races are truly equal under the law.

Reporter: Susan, what do you think about the decision?

Susan: I'm happy that I can go to Grammar School No. 2. Now other children like me can go to the public schools that they want to!

Narrator: In the following month, July 1868, the Fourteenth Amendment to the U.S. Constitution became law. It said that people born in the U.S. or those who were naturalized here are citizens of the U.S. and the states in which they live. The Fourteenth Amendment also said that states cannot limit the rights of U.S. citizens. They must treat all people equally under the law. Susan Clark went on to become the first black graduate of Muscatine High School.

THE END

QUESTIONS

1. Why did the Muscatine school board officials want to keep Susan out of Grammar School No. 2? Name four reasons.

2. What did the Iowa Supreme Court judges decide?

3. What do the Thirteenth and Fourteenth Amendments say? Explain.

(Turn to page 23 for research project ideas.)

Amending the Constitution: Woman Suffrage

Amelia Bloomer supported a controversial new outfit for women that was more comfortable than the restricting traditional clothing women wore. Many woman suffrage supporters began wearing the outfit.

MISS KIZZIE Anderson of Taylor County rode a horse to the election polls in October 1871. Election judges said she had the legal right to vote because the Fourteenth Amendment said states should treat all citizens equally. But Anderson was lucky she did not end up in jail. The next year, women's rights leader Susan B. Anthony was arrested for voting in New York.

Today voting is a natural right and duty of all Americans 18 years or older. But it was not always this way for women. The 1857 Iowa Constitution said only white, male American citizens 21 years or older could vote. Blacks, slaves, Indians, children, the mentally ill, and women were excluded.

The story of woman **suffrage** (the right of women to vote) is a long one. Many people believed women should help make decisions about government. To do so, the rules of government would have to be changed. The U.S. Constitution was not clear about who could vote. After the Civil War an amendment was passed that said no citizen could be denied the right to vote because of race, color, or previous experience as a slave. Susan B. Anthony and other suffrage leaders believed that the word *citizen* included women.

Amending the Constitution

The power to make rules for voting had been left to the states by the U.S. Constitution. Because the states had made the rules, the laws were not always the same in every state. Article 5 of the U.S. Constitution provides a way to make changes called amendments. There are two ways to amend the Constitution. One way is for two-thirds of both the U.S. House of Representatives and Senate to approve the amendment. Then two-thirds of the state legislatures can call a convention proposing the change or call for a general election. Either way, three-fourths of the states must **ratify** (approve) the proposed amendment by vote of the legislature or by special convention.

The Iowa Constitution of 1857 also made it possible for changes to be made in the rules of government. According to Article 10, the proposed amendment must be approved by a **majority** (more than half) of both the Iowa House of Representatives and Senate. At the next legislative session the amendment must be approved again. If approved for a second time, it is then voted upon by the people of the state. If a majority of the voters approves the amendment, it becomes law.

Iowa Woman's Suffrage Movement

The Iowa Woman Suffrage Association was founded in 1870. Its goal was to amend the state constitution so that women could vote. The association's motto, based on the Iowa State motto, was "Our liberties we prize, our rights we will secure."

Beginning in 1870, the Association succeeded in bringing the woman suffrage proposal before almost every session of the Iowa General Assembly. Not until 1916, did the suffrage amendment pass in two successive General Assemblies. However, the amendment lost in a general election.

Since 1894, Iowa women were allowed to vote *only* in local elections. They could not vote in state or national elections. Many men and women were opposed to woman's suffrage because they said women were too delicate to vote. The people against woman's suffrage also argued that special laws protecting women workers might be eliminated.

Suffragists (people who worked for woman suffrage) worked for state amendments and to amend the U.S. Constitution. If passed, women

Carrie Chapman Catt was a leader of women's suffrage and served as president of the NAWSA when the Nineteenth Amendment was ratified. Here she is shown when she was living and working in Sioux City.

in every state could vote, no matter what state constitutions said. The National American Suffrage Association (NAWSA) under the leadership of former Iowan Carrie Chapman Catt worked for a federal amendment. On July 2, 1919, the Iowa legislature ratified the woman suffrage amendment. On August 18, 1920, the State of Tennessee, where Catt was campaigning, became the thirty-sixth state to ratify the amendment. The Nineteenth Amendment became part of the law of the United States. Catt told women that fall, "Women have suffered . . . that you and your daughters might inherit political freedom. That vote has been costly. *Prize* it!" □

Read a Political Cartoon

The political cartoon above appeared in Harper's New Monthly Magazine *in 1901. Political cartoons are often distorted or exaggerated to make a certain point.*

Study the cartoon and write the letter of the correct answer on the line before each question.

_____ 1. The three women on the left are (a) cleaning house; (b) meeting outside on a sidewalk; (c) cooking dinner.

_____ 2. The woman (third from left) is (a) smoking a cigar; (b) talking with other women; (c) both *a* and *b*.

_____ 3. The three women on the left are wearing (a) long dresses; (b) "bloomers" or loose, wide trousers gathered at the knees; (c) bathing suits.

_____ 4. The women's outfits represent (a) traditional clothing for women; (b) expensive clothing that only wealthy women could afford; (c) support for women's emancipation (freedom).

_____ 5. The cartoon says (a) women who own dogs usually smoke cigars; (b) women who wear pants smoke cigars; (c) emancipated women are not at home, but in public wearing bloomers and smoking cigars.

The People of Iowa

by Debra Luhring

Justice Linda K. Neuman is the first and only woman on the Iowa Supreme Court. At 38, she is also the youngest state supreme court judge to be a member of the court in its 141-year history. Neuman was appointed by Governor Terry E. Branstad last summer.

Neuman lives in rural Le Claire with her husband Henry and their two daughters Emily, 9, and Lindsay, 5.

She hears court cases one week of each month in Des Moines. She spends the other three weeks in her Davenport office. Even though she has a busy schedule, she took some time to interview with the *Goldfinch* and give us her thoughts on the Iowa Supreme Court and Constitution.

What is the main job of the state supreme court?
Neuman: Our main job is to review decisions made by trial judges in Iowa. Our cases come to us when one of the parties in a lawsuit disagrees with the judges' or jury's decision and [requests to have a case reviewed] by the supreme court. We review the record made at the trial and all the documents filed and introduced as evidence to determine whether the correct law has been applied and the proper decision made.

How does the court decide which cases to review?
Neuman: Our first task is to screen the cases to determine their [importance]. If a case involves an important constitutional question or an issue of broad public importance, it will be [reviewed] by the supreme court.

What is the toughest decision you've had to make?
Neuman: My toughest decisions have involved the welfare of children and families. Making good decisions about families in distress is a difficult, if not impossible, task.

How much influence does public opinion have on court decisions?
Neuman: Generally speaking, public opinion should be influencing legislative decision-making, not judicial decision-making. As judges, we are bound to uphold the law as it is written, not rewriting the law in [agreement] with what we view the popular opinion to be.

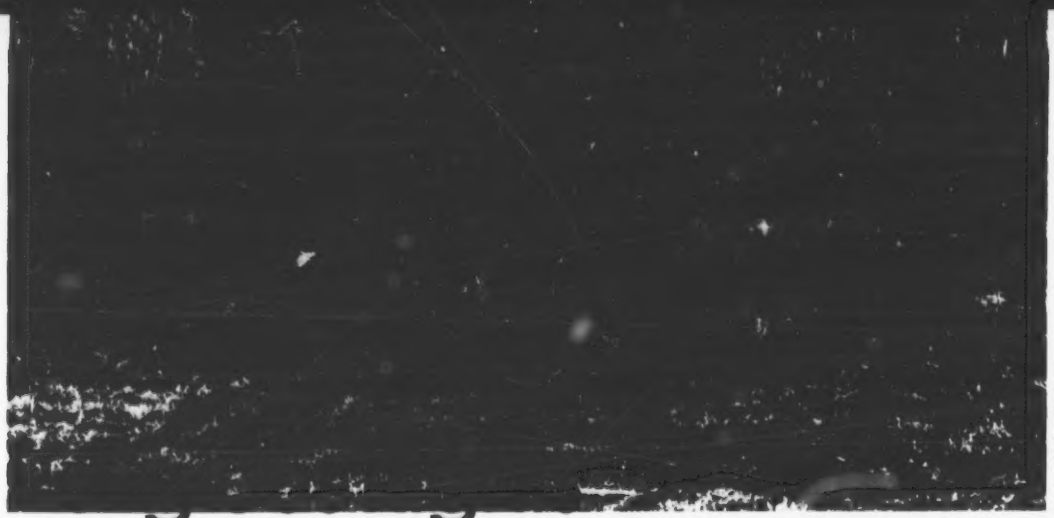
The Des Moines Register

Justice Linda K. Neuman

Why is the Iowa Constitution so strong today after 141 years?
Neuman: Like the United States Constitution, the Iowa Constitution [contains] the principles upon which our state was founded. It is the very purpose of a constitution to declare that certain values [are more important than political opinions]. Those principles upon which our state was founded are as meaningful today as they were 141 years ago, and as a result, our constitution continues to have strength.

How does it feel to be the first woman on the supreme court?
Neuman: Basically, it feels good. My work is very challenging and enjoyable. The other members of the court have been very kind and helpful. Personally, I feel a very heavy responsibility to do the best job I can because so many people seem to be interested in my performance. But I accept that as one of the pressures each person, male or female, faces when beginning a new, important job.

How do your daughters feel about your job?
Neuman: At home, we share a great deal of pride in each others' accomplishments, great and small. Emily and Lindsay know that I'm happy with my work, and that makes them happy, too. □



The Des Moines Register

IN HAZLETON, Iowa, local school officials tried to force Amish children to board a bus to go to a public school in November, 1965. Amish parents protested. Amish kids scrambled terrified into nearby cornfields (*photo, above*). They did not want to attend the public schools.

The State of Iowa is responsible for the education of Iowa children. It has a law that says school teachers must be certified and students must attend school until they are 16 years old. Officials closed the Amish school because the teacher was uncertified.

The Amish-Mennonites are a religious group originally from Switzerland who came to the U.S. to freely practice their religious way of life.

Most Amish believe farming is the simplest and best way of life. They use old farming methods. Clothing and homes are kept as plain as possible. The Amish discourage knowledge of the modern world outside of their settlement.

To teach their children this way of life, the Amish have their own schools. Amish teachers teach reading, writing, and arithmetic. At home, children learn farming, cooking, sewing, and gardening. The Amish believe that education beyond the eighth grade is unnecessary to be a good farmer.

All over the state, people talked about the Amish school issue. The Amish based their right to have separate schools on the First Amendment to the U.S. Constitution. The First Amendment says that government cannot make rules about religion. Religious rights are also protected in the Iowa State Constitution.

In 1967 the Iowa General Assembly passed a law that **exempted** (excused) the Amish from hiring certified teachers and from requiring their children to attend public schools. But students must be taught in a state-certified private school.

Later in 1972, the U.S. Supreme Court ruled on a case about a group of Wisconsin Amish who wanted to keep their children out of public schools. The Court said that under the First Amendment, the Amish may educate their children in the way they believe is right. □

The Black Armband Case

As a student, what rights do you have? Does the U.S. Constitution protect your rights? One of the rights guaranteed by the First Amendment is freedom of speech.

In the 1960s some Des Moines students tested the Constitution's definition of freedom of speech. A few students wore black armbands to school to support a **truce** (period of peace) in the Vietnam War (1965-73). Black armbands are a symbol of sadness that are sometimes worn to protest some action.

School officials **banned** (prohibited) the wearing of black armbands and suspended the students from school. The students, in turn, took their case to the U.S. Supreme Court. The case turned out to be one of the most famous students' rights cases in history.

Read the following article then answer the questions. (*Answers on page 23.*)

The Des Moines Register

Mary Beth Tinker, 13, and her mother listen to the Des Moines School Board debate about black armbands in 1965.

Des Moines school officials announced that high school students would not be allowed to wear black armbands at school in support of a truce on Christmas eve in Vietnam. The Des Moines *Register* reported on December 15, 1965, that a few students at Roosevelt High School were planning to wear the armbands. One Des Moines school official said, "For the good of the school system we don't think this should be permitted. The schools are no place for demonstrations."

Two more students were suspended from school for wearing black armbands on December 17. Chris Eckhardt, 15, of Roosevelt High School and Mary Beth Tinker, 13, of Harding Junior High School were sent home from school. Chester Pratt, Harding's principal, said Tinker's armband caused no disturbance, but she was sent home because of the ban on wearing black armbands in school.

Mary Beth's brother, John Tinker, 15, and two other students were also suspended from school.

The Des Moines Register

The Newspaper Iowa Depends Upon

EXTEND BAN ON ARM BANDS

U.S. Considers Accepting 12-Hr. Yule Truce

D.M. SCHOOL BOARD SPLIT ON ISSUE, 4-3

How 'Pirate' Ships Stalk Viet Reds

The black armband case made headlines in The Des Moines Register *as well as newspapers across the United States.*

Des Moines School Superintendent Dwight Davis said that the rule against armbands was not intended to prevent students from expressing their views.

A few days later, the Des Moines School Board held a special meeting to discuss the right of students to wear the armbands in school. The Des Moines *Register* reported: "After a two-hour debate in a meeting room packed with 200 persons—students and adults—the board voted, 4-3 to continue a ban on armbands."

In April of 1966, Mary Beth and John Tinker and Christopher Eckhardt filed a complaint in U.S. District Court. They wanted school officials to end the ban on armbands. They said the ban violated students' rights of free speech.

Tinker v. Des Moines

The U.S. Supreme Court heard their case called *Tinker versus Des Moines* in February, 1969. The court said the students had the right to wear armbands to school. Seven out of the nine supreme court judges agreed that "students' constitutional rights of free speech permits them to conduct orderly protests, so long as they do not interrupt school activities or the rights of others." The court said the Des Moines students wore the armbands to show their disapproval of the Vietnam War and their support of a truce. The students did not interrupt school activities. Supreme Court Justice Abe Fortas wrote that the students "caused discussion outside the classrooms, but not interference with work and no disorder. In these circumstances, our Constitution does not permit officials of the state to deny their form of expression."

One supreme court justice who disagreed with the decision of the court wrote that the ruling would encourage other pupils in Iowa and elsewhere to "defy their teachers on practically all orders."

The Des Moines *Register* reported in 1984 that the black armband case, or "*Tinker versus Des Moines* was and is . . . the most important student First Amendment decision in history." □

QUESTIONS

1. What reasons did the U.S. Supreme Court give for and against students' rights to wear armbands?
2. Discuss the following situations. Do you have the right to write a newspaper article that criticizes school officials? Do you have the right to wear a button that criticizes government officials? Why or why not?

You Debate: Censorship

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

U.S. CONSTITUTION, AMENDMENT I (1791)

THE AUTHORS of the Bill of Rights were unclear about the limits and nature of freedom of speech or of the press. Read the following account of a freedom of speech case in Iowa, the arguments for and against banning a book, and then write your opinion.

CASE:

Last year, members of the American Indian community in Sioux City objected to a fourth-grade local history textbook, *Sioux City Past and Present*, in Sioux City schools. George Barta, executive director of the American Indian Center, filed a complaint against the book because it was "offensive" to American Indians. The book called Indians "liars and thieves," omitted Indians' contributions to the development of Sioux City, and left out references to ill treatment of Indians by whites.

RESOLUTION:

The school board voted to ban the textbook until a new version was produced that presented a more positive image of American Indians. A committee of educators and Indians was appointed to rewrite the text.

Was the banning of this textbook justified? Should books be censored if they are discriminatory, obscene, or violent?

ARGUMENTS:

Yes! Some books should be banned

1. Kids should not be forced to read books that are discriminatory, obscene, or violent.
2. People have a right to protest against books. It is guaranteed by the First Amendment.
3. Textbooks need to be revised and updated.

No! Books should not be banned

1. Censorship violates the First Amendment right to freedom of the press.
2. Kids should have an opportunity to consider many ideas and issues.
3. If books contain discriminatory thoughts, they should be identified and critically discussed. Censorship hides these issues.

What do you think? Should the books be banned? Is censorship a violation of the First Amendment? Why or why not?

History-Makers

BE A HISTORY-MAKER! The *Goldfinch* is a magazine about the history of Iowa. Wild Rosie wants to know what you've discovered about Iowa's past. Has your class worked on special projects about Iowa history? Are you helping to save something that's old? Have you found an old letter, diary, photograph, or object that tells something about the past? In the next two issues of the *Goldfinch* we'll look at Iowa's constitution and arts and literature. Send your stories, letters, or artwork to the *Goldfinch*, 402 Iowa Avenue, Iowa City, Iowa 52240. If we can we'll print it in the History-Makers section.

Students in Bill Sinnott's fifth-grade class at Cedar Heights Elementary School in Cedar Falls wrote the *Goldfinch* about censorship. Here are a few of their letters about the book *Sioux City Past and Present* *(see page 19)*. Most students felt that the book should be banned because it contained discriminatory material about Indians. Others thought that banning the book would violate the First Amendment. Here are some of their letters:

Dear *Goldfinch*,

I think that the book, *Sioux City Past and Present*, should have been banned from the Sioux City schools. I believe the fourth graders of Sioux City should not be forced to read books that put people down.

This book did not tell both sides of the story. It did not say the good things the Indians did for Sioux City. After all, Sioux City is named after an Indian tribe.

—Megann Savereide

I think *Sioux City Past and Present* should have been banned from the Sioux City schools. I believe that fourth graders are too young to read discriminatory materials like that in their history books. Such material should be given to kids in high school. I also believe that school officials should ask the parents for their opinions. The book should also be updated. I believe the author only knew one side of the story.

—Jeff Judge

The book should have been banned from the Sioux City schools because of its lack of information. It only told how bad the Indians were and did not say how bad the whites were to the Indians. This book could cause hard feelings about the Indians. I think this book should be used for higher grades and be in the school library. Kids shouldn't have to read books that may not be true. The books were expensive, but instead of getting rid of them put them in the library. It is good that they revised this book.

—Matt Herold

I think that *Sioux City Past and Present* should have been banned from the Sioux City schools. In the book it says Indians are liars and thieves. When I heard that I got steaming mad because my entire family is Indian (or at least half Indian). That really hurt our feelings. Indians are very nice people. The author didn't tell both sides of the story, because the author never told what good the Indians did.

—Candy Shahan

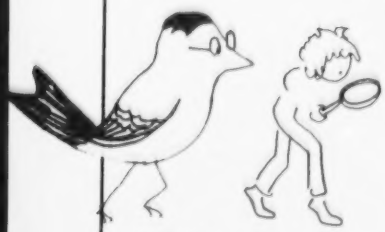
I think the book *should not* have been banned from the Sioux City schools. I believe that the U.S. Constitution says that people have the right to freedom of speech. If the book is banned, it will cause even more problems than if it wasn't banned.

—Jeremy Wightman

I believe the book gives bad examples of the Indians. I don't believe the author had enough information to write the book. It should not even be put in the school library because students will probably still believe what's in the book. The cost of buying new books should not be a big factor because people should have the right idea about Indians and whites.

—John Rust

History Mystery



CLUES:

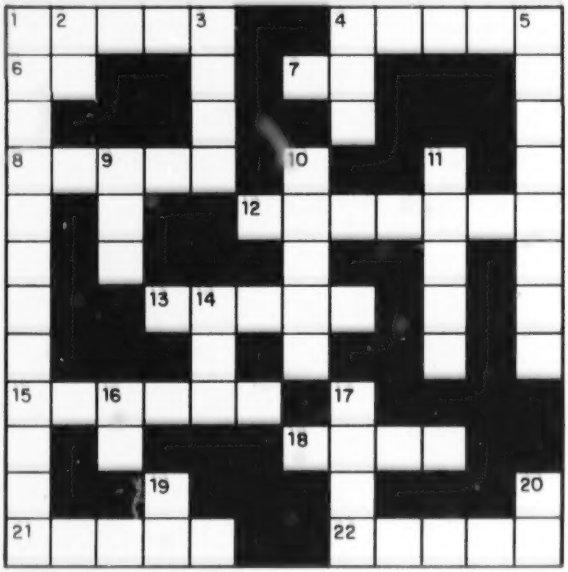
1. The U.S. and State of Iowa each have one.
2. Most governments in the world have one.
3. It has been changed many times since it was created in 1847.
4. The bald eagle (a national symbol of freedom and power) carries a streamer with the state motto in its beak.
5. This represents Iowa as part of the United States.

What is this? What do you think the other symbols mean?

(Answer on page 23.)

Good Times

Can you solve this constitutional crossword puzzle? The clues are found in this issue of the *Goldfinch*. *(Answers on page 23.)*



ACROSS

1. After the _____ War (1861-1865), the Thirteenth and Fourteenth Amendments gave black men the right to vote.
4. Freedom of the _____ is guaranteed by the First Amendment.
6. Located upon
7. Southeast (abbr.)
8. The current Iowa _____ Constitution was ratified in 1857.
12. In the 1850s, women who supported suffrage wore clothing named after Amelia _____.
13. Justice Linda Neuman is a member of the Iowa Supreme _____.
15. In _____ v. Des Moines Independent Community School District, the U.S. Supreme Court decided students have the right to exercise their constitutional right to dissent through manner of dress.
18. The Nineteenth Amendment gave women the right to _____.
21. National American Woman Suffrage Association (abbr.)
22. Won the right to run their own schools

DOWN

1. This year is the Bicentennial of the U.S. _____.
2. Opposite of out
3. Green fruit
4. Dog or cat
5. Right to vote
9. In 1965, some Des Moines students wore black _____ bands to protest U.S. involvement in the Vietnam war.
10. Alexander _____ sued the Muscatine school board when his daughter was not allowed to attend school because of her race in 1867.
11. To change the constitution
14. Single
16. Opposite of yes
17. The Eastern Goldfinch is the state bird of _____.
19. The _____ (abbr.) Constitution is the plan for the nation's government.
20. Exclamation of surprise

(Answers on page 23.)

Pass It On

Pass this page on to someone who might share your interest in Iowa history. A teacher or parent, a grandparent or friend? These projects would be fun to do together.

Free Booklet For Students!

The Commission on the Bicentennial of the United States Constitution is offering free booklets that include a copy of the U.S. Constitution and important constitutional dates to remember. For your free copy, send a self-addressed stamped envelope to the *Goldfinch*. The address is on page 2.

Iowa Heritage Kit For Teachers

Classroom kits entitled *Iowa Heritage in the American Revolution* can be used for fun activities and discussion of constitutional themes. The kits are available for purchase from the SHSI. Write to the *Goldfinch* for more information. The address is on page 2.

Research Project Ideas

The Thirteenth, Fourteenth, and Fifteenth Amendments to the U.S. Constitution extended citizenship to black males. Later U.S. Supreme Court decisions affected the status of black Americans. Research one of the following U.S. Supreme Court cases and write a report: Plessy versus Ferguson or Brown versus the Topeka Board of Education.

Map Quiz

Look at the map on page 5. (1) List the abbreviations of the states to ratify the U.S. Constitution in 1787. (2) When did Iowa ratify the Constitution? (3) What were the last states to ratify the U.S. Constitution? (4) EXTRA CREDIT: Why did it take until 1959 for the states (in question #3) to ratify the constitution?

Goldfinch Oldfinches

Read more about this subject in Iowa history in earlier *Goldfinches*: "Capitals and Capitols" and "Government For Iowa" ($1.50 each, plus $1 for postage. Address on page 2.)

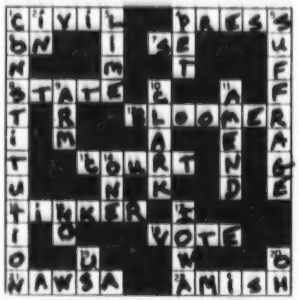
Call the Constitutional Hotline!

To celebrate the Bicentennial of the U.S. Constitution, the Historical Society of Pennsylvania and AT & T are sponsoring a toll-free telephone number. Every week the hotline will offer new historical facts and stories about the Constitution. Call 1-800-3-B-PROUD!

Answers

Map, page 5: (1) PA, NJ, DE; (2) 1846; (3) AK and HI; (4) They became states then.**Chart, page 7:** (1) F; (2) T; (3) F; (4) T; (5) T.
Cartoon, page 14: (1) b; (2) c; (3) b; (4) c; (5) c.
Questions, page 18: (1) For: constitutional right of free speech, it was an orderly protest that did not disrupt school; against, ruling might encourage other students to disobey teachers.
History Mystery, page 21: The symbols on the State Seal include wheat with other farming utensils on the bottom left to represent agriculture; a lead furnace and pile of lead on the right side to represent industry; a soldier with his plow and gun in the center; and the Mississippi river in the background.

Crossword, page 22:



"The life of Grant Wood, who rose from an Iowa farm boyhood to become one of the world's most [famous] artists, is one of the greatest stories of American life in this century."

(Edwin B. Green,
in the *Palimpsest*,
volume 53, page 1)

In the next issue of the *Goldfinch* read about writers and artists like Grant Wood who created a style of literature and art called Regionalism. We'll have paintings, murals, and short stories for you to interpret and read and a diorama for you to make!

The **Goldfinch**

Second-class postage paid
at Iowa City, Iowa

USISSN 0278-0208
State Historical Society of Iowa
402 Iowa Avenue
Iowa City, Iowa 52240